

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 * * *

9 EZEQUIEL ZARATE CHAVARIN,

10 Plaintiff,

11 v.

12 NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

13 Defendant.

Case No. 3:17-cv-00104-MMD-VPC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
VALERIE P. COOKE

14 Before the Court is Magistrate Judge Valerie P. Cooke's Report and
15 Recommendation ("R&R") (ECF No. 18), regarding Plaintiff Ezequiel Zarate Chavarin's
16 Motion to Remand ("Plaintiff's Motion") (ECF No. 14) and Defendant Nancy A. Berryhill's
17 Cross Motion to Affirm and Response to Plaintiff's Motion for Reversal ("Defendant's
18 Motion") (ECF No. 16). The Magistrate Judge recommended denying Plaintiff's Motion
19 and granting Defendant's Motion. (ECF No. 18.)¹ Plaintiff had until January 24, 2018, to
20 file an objection. To date, no objection has been filed.

21 This Court "may accept, reject, or modify, in whole or in part, the findings or
22 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party
23 timely objects to a magistrate judge's report and recommendation, then the court is
24 required to "make a *de novo* determination of those portions of the [report and
25 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails
26

27 ¹The introduction paragraph of the R&R recommends granting Plaintiff's Motion.
28 (ECF No. 18 at 1.) However, this appears to be a clerical error as the R&R analyzed the
issues presented in Plaintiff's Motion and recommends denying Plaintiff's Motion.


1 to object, however, the court is not required to conduct “any review at all . . . of any issue
2 that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed,
3 the Ninth Circuit has recognized that a district court is not required to review a magistrate
4 judge’s report and recommendation where no objections have been filed. *See United*
5 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
6 employed by the district court when reviewing a report and recommendation to which no
7 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
8 Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the view that
9 district courts are not required to review “any issue that is not the subject of an objection”).
10 Thus, if there is no objection to a magistrate judge’s recommendation, then the court may
11 accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226
12 (accepting, without review, a magistrate judge’s recommendation to which no objection
13 was filed).

14 As noted, Plaintiff failed to object to the R&R’s recommendation to deny Plaintiff’s
15 Motion. Accordingly, the Court will adopt the R&R.

16 It is therefore ordered that the R&R (ECF No. 18) is accepted and adopted in full.
17 Plaintiff’s motion for remand or reversal (ECF No. 14) is denied and Defendant’s cross
18 motion to affirm (ECF No. 16) is granted.

19 The Clerk is directed to enter judgment in favor of Defendant and close this case.

20 DATED THIS 20th day of February 2018.

21
22 
23 MIRANDA M. DU
24 UNITED STATES DISTRICT JUDGE
25
26
27
28